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P

POLITICAL LETTERS

WRITTEN

IN MARCH AND APRIL M.DCCCLXXXIV.

BY

Sir WILLIAM MERIDYTH, Bart.

DUBLIN:

PRINTED BY P. BYRNE, COLLEGE GREEN.

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1785



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M.DCC.LXXXIV.

L E T T E R S, &c.

L E T T E R I

THE late Resolutions of the House of Commons respecting *secret influence* have naturally drawn our attention to that subject, and have led us to consider what *secret influence* really is, and what guards the law and constitution have placed against it. For, true it is, there is nothing more abhorrent from the nature of free government than *secret influence*; it has rendered those English kings who have been guided by it, hateful as well as hostile to their people; inasmuch, that the very word *favoritism* comprehends national contempt and public hatred. The reigns that afford the strongest proofs of its pernicious effects, are those of Edward II. and the 2d Richard; of the former, Pierce Gaveston was the first favorite. Him the Barons beheaded at Scarborough. After him, the two Despensers, father and son, got possession of the king and government. Hu the father was, till this period, a man of unblemished reputation, and moderate, if not favorable towards the king. Hu the son
attached

attached himself to the barons. At an early period of his life he became famous for his eloquence, for the brilliancy of his parts, and the poignancy of his wit, with a spirit and vivacity which gave life and animation to his whole party. The parliament which met in 1319 at York, being wholly in the interest of the earl of Lancaster and the barons, obliged the king to appoint a minister of their own nomination; and to take the young Despencer for his lord chamberlain (then the great confidential officer of the crown) because, having taken many liberties with the king, ridiculed (a) his conduct, and insulted his person, they supposed, his insolencies could never be forgiven; but as soon as he had got possession of his place, he thought to secure it better by courting the king's favour, than by remaining in the interest of his opponents who had raised him. Thus, with his father he became joint minister; and their first care was to shut the king's ear against all counsels but their own: for which, however, when the Parliament met in 1321, they were impeached and sentenced to banishment.

The 3d article runs in these words; *By their evil contrivance they would not suffer the great men of the realm, nor good counsellors to speak with or come near the king to advise him, nor the king to speak with them, unless in their presence and the hearing of one of them, and that too but when they pleased; thus usurping Royal Power and Sovereignty*

(a) *Vide Parl. Hist.*



ty over the person of the king, to the great dishonour and peril of him, his crown, and kingdom (a).

The reign of the 2d Richard was conducted on the same principles, and had an end as tragic as that of the wretched monarch just spoken of. If I may apply a modern term to a fact of old date, I would describe the cabinet of Richard II. as consisting of five persons; the archbishop of York, the Duke of Ireland, the earl of Suffolk, Tresilian chief justice, and Brembre one of the judges. This cabinet also assumed an exclusive right of advising the king, as appears from the 3d article of their impeachment, which says, *The said traitors, by the assent of Robert Tresilian the false justice, and Nicholas Brembre, by their false covin would not all suffer the great persons of the realm, nor the good subjects of the king, to speak to, or approach the king, to give him wholesome advice, nor the king to speak to them, unless in the presence and hearing of them the said duke of Ireland, &c. or two of them, at their will and pleasure, or about such things as they thought fit, to the great disgrace of the nobles and good counsellors of the king, and to the preventing of their good will and service towards the king, thereby encroaching to themselves the Royal power, and a Lordship and Sovereignty over the person of the king,*

(a) Hu Despencer the father, created earl of Winchester, was executed at the age of 90, with many circumstances of barbarity, by order of Queen Isabella, at Bristol.—Hu Despencer the son, created earl of Gloster, was hanged at Hereford on a gibbet 50 feet high.

king, to the great dishonor and peril of the king, his crown and realm. These articles want no illustration; they shew not only the sources of all the misfortunes that befell those unhappy princes, but that the great criminality of their ministers consisted in barring the throne from all access of the subjects in general, and more particularly in shutting the door against the peers, when they went to give the king advice. For it matters not, whether the king delivers up himself to the will of his ministers, or is over-awed by the minister's power;---*secret influence* reigns there, where no counsels are admitted but those of a few selected persons:--- such was the government in the hands of the Coalition, which they mean to revive, if they can again force themselves into office. This purpose was avowed on the 23d of December, in the debate on the resolution moved by Mr. Baker.

The resolution itself is so vague and indefinite, that no direct inference can be drawn from it---It rests on the airy foundation of a rumor of a fact, without stating the fact itself (a)---It imputes a high crime and misdemeanor, without naming the guilty person, but marks him to the public eye as plainly as if his name had been at full length; which

(a) 23d Dec. 1783, Mr. Baker moved, " *That it is now necessary to declare, that to report any opinion, of his Majesty upon any bill or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a HIGH CRIME and MISDEMEANOR, derogatory to the honor of the Crown, a breach of the fundamental privileges, of Parliament, and subversive of the Constitution.*

which surely is a proceeding of the most unfair, illiberal, and unworthy nature; for, if exculpation was thought necessary, the person aimed at must name himself, and thereby become his own accuser, or submit to the charge un-answered. But however dark the resolution, Mr. Baker's doctrine is very clear; for, *there is a distinction* (he says) *betwixt Constitutional advisers, and who are not so; it is dangerous for any individual to give the Crown advice, not being known, so that the smallest share of responsibility does not rest on such secret advisers (a).*

This doctrine was advanced, but expressed in stronger terms by the great leaders of the present majority, who are distinguished by the name of *Coalition*. And, by this creed, the right to advise the crown belongs only to a *state of responsibility*, in which none, but the ostensible ministers are placed: all others, whether Peers or Commons, who presume to advise the crown, are called *secret, dangerous, unconstitutional*; and, as long as the existence of this House of Commons lasts, or at least its present temper, such advisers must expect all the censure and punishment their resolutions can threaten and their power inflict.

Whether such doctrines are well-founded; or whether the institution of exclusive cabinets is warranted by this Constitution, may be the subject of another day's discussion.

(a) Vide Debates,

LETTER

L E T T E R II.

S I R,

IN the letter you received the other day, we defined a government of *secret influence* to be *that*, in which public affairs are conducted by few persons, without the interference of indifferent and impartial men, who, in modern language are called (a) *unknown, secret, and irresponsible advisers*.

At this period, you may perhaps think it worth while to enquire, *when* such exclusive *cabinets* as are now contended for, were first introduced, and whether they are founded on any principal of the British Constitution. The administrations of Edward and of Richard II. are already noticed. The first avowed cabinet of later times was a cabal of Charles II. It consisted of the five confidential ministers, besides the King and the duke of York. This whole council was not only in the interest, but in the *Pay* of Lewis XIV. and, in union with that monarch, had concerted a plan for changing the religion and liberty of their country to Popery and Despotism. The expedient of corrupting parliaments was first attempted by this cabal. At the close of the Long Parliament in 1678 this mode of government was suspended. And in 1679, Charles II. in concert with Sir William Temple, formed

(a) See Mr. Baker's Speech, 23 Dec. 1783

the plan of a new privy-council, consisting of thirty persons; and on their first appointment summoned every member to attend; to whom he made a long formal speech, which was printed and circulated through the kingdom. In that speech the king acknowledged the error of having conducted his government by so *small a number of his* privy-council---lamented the ill success, and was (he said) sensible of the ill posture of his affairs from having taken that course, which had raised great jealousies and great dissatisfactions among his good subjects: and thereby left the crown and government in a condition too weak for those dangers there was reason to fear, both at home and abroad.

In 1691, King William, on his going abroad, appointed a cabinet-council to assist the queen during his absence; but that appointment was strongly objected to in parliament, both as an innovation, and as a mode of government injurious to the public interest (*a*); though we do not find that any formal question was moved upon the subject.

In 1700, the House of Commons resolved to impeach the ministers who had advised the partition-treaty. It seems, all the confidential servants of the crown had acquiesced in that measure; but the duke of Leeds, the earls of Pembroke, Jersey, and Marlborough, and secretary

(*a*) Tindal's History.

Vernon, pleaded, that they had not been consulted in their responsible station of privy-counsellors, (for the treaty, they said, was never laid before the privy-council) but, as individuals.--- And their plea was so far admitted, that impeachments were brought against those four ministers only (the earls of Portland and Oxford, the lords Halifax and Somers) who could be proved to have taken an active part in the negotiations.

On the 11th of Jan. 1711, Lord Scarfsdale moved a censure on the *cabinet council* (a) for having advised an offensive war in Spain---But Lord Cowper informed the House, that a *cabinet-council* was *unknown* to the law and constitution of England; on which, the word *cabinet-council* was altered to *ministers*; but the term *ministers* was equally reprobated by the Lord Chancellor, by Lord Wharton and Lord Ilay (the great civilian of that day) as an expression of uncertain signification, extending censure as far as rumor and fancy might carry it; designating many persons, but naming no man, so as to enable him to repel the charge.---Opposition however had the majority, and carried their resolution, illiberal and ambiguous as it was.

I know no other instances, from the Restoration to the accession of the House of Brunswick, when the constitutionality of cabinet-councils was made a topic of discussion.

(a) Parliamentary Debates.

George I. came hither, a stranger to the laws, language, constitution, and manners of the country.---He naturally threw the management of affairs into the hands of the Whigs, in which distinction we comprehend those great and powerful families, who had been most instrumental in his advancement, and most opposite to the prerogative ministers who had governed the four last years of Queen Anne.---No prince in *his* situation could have conceived a predilection more wise, more honorable, and more salutary to himself and to his subjects.---But, unfortunately, the favored principles of the last reign had taken deep root in the nation; an attachment to the house of Stuart still remained, and, as a reason for strengthening the hands of the new establishment, the fears of Jacobitism were aggravated perhaps beyond any real danger. The Parliament, that met after the Accession, was to end on the expiration of three years. At that period, the rebellion of 1715 was but recently suppressed; fresh commotions were on foot in Scotland, and a spirit of disaffection raged in many parts of England.---In this state of things, and during this temper of the people, it was thought dangerous to hazard a general election; and the Parliament, which the people had chosen for three years only (on a specious but un-real pretence, that triennial parliaments were troublesome and expensive) self-elected itself for four years more, and made future parliaments septennial.

I am not now going to impeach the rectitude of that strong measure, nor enquire whether the Constitution was mended or subverted by it ; but you will allow me to assert, that it sustained a very material alteration. That alteration is emphatically described in a celebrated pamphlet, entitled, *Thoughts on the Causes of our present Discontents*. The elegant and ingenious writer says, *The virtue, spirit, and essence of a House of Commons consists in its being the express image of the feelings of the people : but (he adds) the unfrequency of elections has tended very much to draw the House of Commons towards the character of a standing senate.*

Within the walls then of this *standing senate* in vain may we look for that mirror, which was wont to shew the *sense and feelings of the people*. It is true, there are still many faithful delegates, zealous advocates, and firm guardians of the public welfare in that assembly ; but, in general, its *essence, virtue, spirit*, are destroyed by the length of its duration. Independance of constituents, adherence to self-interest, and gratification of self-will, form the general character of a septennial House of Commons.

Sir Robert Walpole knew how to avail himself of this recent institution of a *standing senate* ; *Every man in it* (he said) *had his price*. In fact, he made as many purchases, as secured a permanent majority for all his measures ; teaching his successors in office, how easy it is to govern

a *standing senate* by the united powers of ministerial influence and powerful connexions.

On the retirement of Sir Robert Walpole, the same system was continued by the same connexions and the same means; but the succeeding ministers not enjoying the personal regard of King George II. he made one effort to place Lord Carteret at the head of affairs, but he failed; the House of Commons refusing to give their confidence to an un-tried minister, having so long and so securely gathered the fruits of influence in the continuation of Sir Robert Walpole's system.

His present Majesty broke the chain. Once indeed he made use of lord Rockingham's party to remove Mr. Grenville; but they were soon dismissed, lest duration in power might render the force of those great connexions once more irrefragible.

I may perhaps add in my next letter a comment or two on the subject of Influence and Connexions---In the mean time, I remain, &c.

L E T T E R

L E T T E R III.

S I R,

SO few are the political writings that outlive the day and purpose for which they were published, that an author of eminent and useful talents seems to mis-spend his time in devoting any part of it to such perishable topics. But the pamphlet I mentioned in my last letter (Thoughts on the Causes of our Discontents) ought to be had in perpetual remembrance, or, if laid aside, be brought back to immediate revival and full consideration; not only for the singular ingenuity and elegance of the performance, but, because it contains the Political Creed of that powerful connexion, whose weight in the last Parliament preponderated against the opposite scale of King, Lords, and People.---That connexion is now returning with considerable, tho' diminished strength, to the ensuing Parliament.---You may therefore think it worth while to take a cursory view of the principles on which the party is embodied.

The Creed declares, That this country is best governed by connexion (*a*);

(*a*) Thoughts on the causes of our discontents, p. 109 and 110.

That

That the connexion is to consist of men who are bound together by common opinions, common affections, and common intrests.

That the *connexions* which predominated during the first ten years of Queen Anne (a), and the whole reign of King George II. (b), are to be taken as models for the government of Great Britain.

That the duration Parliaments ought not to be shortened (c).

That a great official, a great professional, a great naval and military interest, all necessarily comprehending many people of the first weight, ability, wealth, and spirit, has been gradually formed in this kingdom. It were better, perhaps, that they should have a CORRUPT intrest in the forms of the constitution, than that they should have none at all (d).

That *servitude* to such an House of Commons is perfect freedom (e).

(a) In the most fortunate periods of our history this country was governed by a Connexion; I mean the great connexion of Whigs in the reign of Queen Anne.—Id. 109.

(b) We ought, no less for the sake of the Sovereign whom we love, than for our own, to hear arguments convincing indeed, before we depart from the maxims of that reign, i. e. of George II.—Id. 26.

(c) I never remember to have talked on this subject with any man much conversant with public business, who considered *short Parliaments* as a real improvement of the constitution.—Id. 96.

(d) Thoughts on Discontents, p. 97 and 98.

(e) This *servitude* is to an House of Commons (like obedience to the divine law) *perfect freedom*.—Id. 117.

This

This Creed was published in 1767, soon after the dissolution of Lord Rockingham's administration; it was avowed by the *connexion*, and every man who did not subscribe to its general tenets, desired to quit the party (c).

Mr. Burke, when he extols the reigns of Queen Anne and of King George II. must allude to the particular events of those glorious and successful wars, which were conducted, at one period, by the counsels of Mr. Pitt; and at the other, by the conduct as well as counsels of the great Duke of Marlborough.---On both those periods we are to remark, that the exploits of war furnish no rules for constitutional government in times of peace. But, not all the triumphs of the Duke of Marlborough could render his administration popular; on the contrary, it was dreaded and detested, because he affected to govern the Sovereign and the Country by *connexions*. Those connexions assumed a power over the State and person of the Queen---She revolted against their system, and to redeem herself from their dominion, appealed to her people against her ministers; nor could all the greatness of the Duke of Marlborough, the integrity of Lord Godolphin, the virtue and abilities of Lord Sommers, nor the spirit of Lord Sunderland, support that illustrious *connexion* against the inclinations of the Sovereign and the voice of the people.

(c) He who does not concur in these general principles on which the party is founded, ought, from the beginning, to have chosen some other more conformable to his own opinions.--Id. 114

In

In his eulogium on the government of George II. Mr. Burke has blended two points that are totally separate from each other; viz. the administration as it was conducted by the *connexion* of *Whigs*; and that administration which was conducted by Mr. Pitt; he has engrafted on the one, a panegyric founded on merits of the other (a); but so little praise can the *connexion* of *Whigs* derive from the measures of Mr. Pitt, that the end of our disgraces and the commencement of our glory were owing to the *accession* of the one and the *secession* of the others from the management of affairs in 1757. A former war had been conducted unfortunately, and was closed ingloriously by that connexion in 1748.--The war that was renewed in 1755, was most un-prosperous, while it lay in their hands: and all the part they took in Mr. Pitt's administration was, to execute his designs, and (if I may use Mr. Pitt's own expression) to *lend him their majority in the House of Commons*.

If this *connexion* of *Whigs* had no share in the glory, still less did they contribute to the personal happiness of their sovereign.--He wished to place his government in other hands, but, the strength of the connexion, and its powers arising from influence, compelled him still to retain in office men whom he cordially despised and hated.---A situation more humiliating to his rank, and more

(a) "He carried the glory, the power, the commerce of England, to an height unknown even of this renowned nation in the times of its greatest prosperity" *Thoughts on Causes of Discontents*, p. 25

galling to his feelings, did not ever prince endure.
 ---Such were the obligations that George II. and his People owed to the great connexion of *Whigs*.

On the accession of his present Majesty, the first imputed object was, to break these connexions.
 ---Lord Bacon, in his Essay on Ambition (a) says; *It is counted by some a weakness to have favorites, but it is of all others the best remedy against ambitious great ones,* I don't know that the hint was taken from Lord Bacon, but the remedy was tried in the person of Lord Bute. The success would have been more doubtful, if the connexion itself had not assisted its operation. But Mr. Burke informs us (b), *That under a forced coalition there rankled an incurable alienation and disgust between the parties that composed the administration.* (c) The ground of which rancor was, (he adds) *That the power of the one (Mr. Pitt) arose from popularity, that of the other (the Duke of Newcastle) from connexion.*---The connexion therefore joined the favourite of the king, in order to depress the favorite of the people. And, the party seemed pleased to get rid of so oppressive a support; not perceiving, that their own fall was prepared by his and involved in it (d).

The alarm of a new reign of favoritism, and the apprehensions of secret influence, were by this time fully entertained and extensively promulgated. But the connexion of *Whigs*, it seems, had then no objection to that sort of govern-

(a) Bacon's Works, Essay 36. (b) Page 20. (c) Ibid. (d) Page 20.

ment, if Lord Bute would have accepted their services. That nobleman has long been so abstracted from the world, that it is impossible to know his disposition and line of conduct : but his Lordship happily is now become the subject, if not of praise, as Lord North is, yet of justification, by the pen of an able writer, who has lately appeared for the Coalition party (b).

In the pamphlet we so often quote, there is mention of a *faction* then pointed out by the appellation of *King's friends*, a *King's friend* is not now the object of popular dislike ; but there is a sentence which shews the wonderful penetration of that enlightened writer---The minister, as he was the first in rank, was also the first in *proof* of being a *King's friend*, if gratitude could have made him so; for, during his long administration he lived not only in the habits of confidence and favor, but with the accumulations of bounty continually flowing to himself, his family, his connexions and his friends. But during the lucrative intercourse, we find this remarkable passage in the Thoughts on the Causes of our present Discontents---*May no storm* (he says) *ever come, which will put the firmness of this attachment to the proof ; and which, in the midst of confusions, and terrors, and sufferings, may demonstrate the eternal difference between a true and severe friend to the monarchy, and a slippery sycophant of the court.*

(b) Source of the Evil, p. 8.

Infido quantum scurræ distabit amicus.

If this verse was meant as Prophecy in 1767, it became *History* in 1783.

On the first announcement of the junction in the House of Commons Mr. Fox declared, that the American war being over, no difference of opinion remained amongst the component parts of the coalition; it appeared so by their proceedings; for two measures only were proposed by them, the Loan and the Receipt-tax, the one vexatious and oppressive, though (whilst in their hands) unproductive; the other more exorbitant in the terms, and more fruitful of influence than any former contract made by Lord North during the war.

Whether it is probable the members of this coalition differed in their sentiments on the subject of *secret influence*, I may perhaps offer my poor thoughts in some following letter on that topic.

Yours, &c.

LETTER

LETTER IV.

S I R,

IN a former letter we supposed, that a government of *secret influence* exists in this country, whenever publick affairs are conducted by a minister who has a cabinet-council at his devotion, and is supported in the House of Commons by a majority, composed of men who share the honors, employments, contracts, loans, and other advantages, which are in the power of a minister to bestow.---Irresponsibility and secrecy go hand in hand with such administrations. In the reign of King William, at an auspicious æra, this system was intended to have been crushed for ever; for by the act of settlement, a provision was made to bring all publick measures to be decided, not by a cabinet, but by the privy-council; and to make the counsellors responsible for the advice they gave. By that statute it was enacted (12 K. W. 2. c.) *That from and after the time that the further limitation of this act shall take effect, all matters and things relating to the well-governing of this kingdom, which are properly cognisable in the privy-council by the laws and customs of this realm, shall be transacted there, and all resolutions taken thereupon shall be signed by such of the privy-council as shall advise and consent to the same.*

This clause was indeed an effectual remedy against *secret advisers* and *secret influence*. I always

ways looked upon it as the very choicest and best part of the act of settlement (except what entails upon us the personal blessings of the house of Brunswick); but it was repealed by the celebrated *connexion of Whigs*, 4 Ann, c. 8.--And as matters, now stand, I don't see how ministers are either collectively, or individually, responsible for the advice they give, or for the measures they pursue. Collectively, they are liable to no impeachment; for a charge must be specified and brought home to the person charged, before he can be judicially prosecuted; and no one but a member of the cabinet can give information of what passes there.

The same reasoning proves their irresponsibility as individuals; for they are all bound alike to secrecy, and no mortal, but themselves, can tell what advice each of them propounds.--If general blame is laid, the ministers throw it on the particular department to which the transaction belongs; but the minister of that department retorts the accusations back on the cabinet at large. Such was the uniform practice during all the administration of Lord North.

The station of a prime minister rests on his having a cabinet, or at least a majority, whom he can always command, and when he ceases to have that command, he ceases to be a minister.--When Lord Chatham came to be over-ruled in the cabinet, he retired from office; and afterwards declared in Parliament, *That he would bear no part in councils that he could not guide.*

The

The duke of Grafton (we have been told) brought Lord Rochford into the cabinet, as his *casting voice*; but when his grace (infinitely to his praise and honor) proposed a repeal of the tea-duty in America, Lord Rochford gave his *casting voice* against that wise and salutary measure, which would have prevented the American war. The duke of Grafton, being thus out numbered in the cabinet, very properly resigned his great employment at the head of the treasury.

Lord Rockingham and Mr. Fox had each a majority when they formed their respective administrations; and that majority did not only insure the performance of their measures, but was a ground of their indemnity. A recent example may shew better than speculation can, that ministers in fact are *not*, but that other men *are*, in a state of responsibility, for giving advice to the crown.---Lord North was the minister during the American war; but, for all the folly, treachery, and lavishness with which that war was managed for all the blood that was shed, and for that additional debt of 150 millions, which remains, to oppress individuals and to weigh down the State, Lord North, the adviser and conductor, has been brought to no account: but Lord Temple, who is *no* minister, but who exercised the privilege of his birth-right as a peer, in advising the crown *once*, has been brought to account, has been arraigned, and (much worse than

than openly) has been indirectly and ambiguously censured.

On that Privilege of Peerage you may perhaps hear a word from

Yours, &c.

Lord Rockingham and Mr. Fox had each a majority when they formed their respective administrations; and that majority did not only insure the performance of their measures, but was a ground of their indemnity. A recent example may show better than speculation can, that ministers in fact are wiser, but that other men are in a state of responsibility, for giving advice to the crown.—Lord North was the minister during the American war; but for all the folly, treachery, and savannah with which that war was managed for all the blood that was shed, and for that additional debt of 150 millions, which remains to oppress individuals and to weigh down the State, Lord North, the adviser and conductor, has been brought to no account; but Lord North was no minister, but who exercised the privilege of his birth-right as a peer, in advising the crown was, has been brought to no account, has been arraigned, and (much worse than

LETTER

LETTER V.

S I R,

IN the *Thoughts on the Causes of our Discontents* it is observed (a), That the method of governing by men of great natural interest, or acquired consideration, was viewed in an invidious light by true lovers of absolute monarchy. The true lover of absolute monarchy, is, I conceive, a creature of the author's fancy—at least, I never met with an Englishman who owned any such affection. But that a limited monarchy has still many true lovers, I hope and believe, and that they are no friends to the method of governing by men of great interest, or acquired consideration; because that method of governing is incompatible with monarchy. I also hope and believe, that such men are utter enemies to absolute power, by whatever persons or whatever means it is sought for.— True it is, that no surer method to govern, and to govern absolutely, by men of great interest, can be adopted, than to debar the subject of his right of access, and the peer of his right of audience of the crown. It was therefore consistent with the policy of those great men, who are combined for the purpose of taking government into their own hands, to contend for the exclusion of all advice, but what comes through the narrow channel of official ministers. But to deprive the subject of his dearest rights, seems a strange way of courting popularity, to which end Mr. Baker's

E motion

motion on the 18th of December has a manifest and strong tendency. On that day's debate Mr. Fox and Lord North pleaded their own cause with great ability, when they insisted, that *no man ought to give his Majesty advice as to any measure depending in Parliament, but his ministers*, (these were, I understand, Lord North's words; and Mr. Fox said, that *with regard to a monopoly of the confidence of his sovereign, if that was a crime, he was ready to plead guilty to the charge. Ministers ought to monopolize the confidence of their sovereign.*—So thought, and so acted the ministers of Edward II. and of the 2d Richard—But let Mr. Fox be reminded, that their *monopoly of the king's confidence* was by the honest and independent Parliaments of those times, held to be a grievous crime, and grievously did the *monopolizing ministers* answer for it.

The mover of the resolution on the 18th December referred to the Journals 16 Dec. 1641. The case was this: whilst a bill for impressing of soldiers was in agitation, the King came, and made a speech to both houses of parliament, declaring, He would not pass the bill unless there was a clause *to save the rights of the crown* (a).—This interference was very properly declared, by an unanimous vote of the Lords and of the Commons, an high breach of privilege; and they followed up their vote with a strong and angry remonstrance. But this precedent does not apply to the matter in question. The King certainly has no right to appear in his legislative character, to publish his intention respecting any bill in parliament,

(a) Rushworth.

liament, till it is presented for the royal assent.---He is not to pre-judge, or pre-determine, but as the third branch of legislature, reserve his judgment till the act comes properly before him, and then give or refuse his assent, as he thinks it for the welfare or detriment of his subjects. So it is with both houses of parliament; collectively neither of them has a right to meddle with the proceedings of the other; but individually every one has a common right to argue, discuss, and speak his thoughts, a peer to a commoner, and a commoner to a peer. Nor did the parliament of 1641, with all its severities towards the king, ever enquire into his private conversations, nor endeavour to stop his freedom of discourse, either with peers, or commoners, or other ordinary persons.

And I am sure, you will not differ with me in thinking, that an act of parliament is the very identical measure of which every man in the kingdom has a right to give his opinion, and concerning which the King ought most willingly to hear the sentiments of his people. Acts of state are the province of a minister, but the constitution and the laws are the business of every Briton.---We are all equally interested, because equally affected by an act of parliament. It is therefore necessary, that the three branches of the legislature should remain in a state of perfect independence; for, dependence would cramp the exercise of that controul, which the constitution has intended, the one should hold over the other.

other. The Lords have a negative on every act of the Commons; the Commons of the Lords; and the Crown on both. But we have too many examples before us; the American war alone is a sorrowful and ample proof, how decidedly the influence of a minister can operate on both our Houses of Parliament.---There are times and occasions, when that influence may carry, as far at least as to the foot of the throne, any bill that issues from the cabinet, however subversive of the people's rights, and however derogatory from the state and independence of the sovereign. To protect the subject against such ministerial violations, the constitution has placed a negative in the Crown.---'Tis a defensive power, which may resist any exorbitancy, or encroachments that may be attempted by the democratic or aristocratic parts of the legislature; like a citadel under the command of a brave and faithful governor, who may preserve the city entrusted to his care, even though the leading men of that city, and a faction of its citizen's, should wish to deliver it into the hands of the invader.---But, if ministers are to assume a monopoly of their sovereign's confidence; if the King is to have no ears to hear, no eyes to see, nor tongue to speak, but as his minister directs, then will this negative power, to all intents and purposes, be lost; for how can a king be expected to act against the advice (however pernicious) of his ministers, if none, but his ministers, are suffered to advise him?---*Their* advice will never go to defeat their own measures.

Most

Most cordially therefore do I wish and pray, that it may be found as agreeable to the temper, as it will be consonant to the wisdom and integrity of the new Parliament, to rescind those resolutions that were moved by Mr. Baker, 18 Dec, 1783. For, to advise the crown in a matter depending in parliament, is an essential right of the subject; but, what subject will dare to exercise that right, as long as a despotic and unconstitutional vote remains upon the Journals, which censures most severely, and threatens with impeachment every free and impartial adviser?

A still more important guard against secret and monopolizing influence is in the right of the Peer to advise the Crown; but that subject shall be reserved to the next post.

I am, &c.

LETTER

LETTER VI.

SIR,

THERE is no axiom in our constitution more generally known, or more clearly understood, than that the Peers are the *hereditary counsellors* of the crown, and that every peer has a right, when he pleases, to demand an audience of the King; Sir Edward Coke in his fourth Institute states this as an undoubted birth-right of the peer: and you will find it recognized in the Commentaries of Sir Matthew Blakiston; (a) *In our law books* (he says) *it is laid down, that Peers are created for two reasons; vid. ad consulendum, & ad defendendum regem; to advise the king, and to defend him: for which reason the law gives them freedom from arrests, even when no parliament is sitting; because the law intends, that they are always assisting the king with their counsel for the commonwealth.*—A peer, therefore, offering his advice to the crown, whenever public welfare or personal duty call upon him, does nothing more than fulfill the specific condition on which the peerage was originally granted to him and to his family.

The peer then having a right to advise the king, it follows of course, that the king has a right to consult the peer. Essential to this mutual right is mutual freedom in the communica-

(a) Blakiston, B. I. C. 5.

tion of each other's thoughts: it is absurd to fix any idea of limitation to the discourse; nor can there be an obligation to conceal it.---If the conversation be an honest one, and its end be to promote a good measure, or to defeat a bad one, there can be no ground of secrecy.

All privileges were instituted for the benefit of the people, and appertain to the community, as well as to the persons who enjoy them. And, I am sure, you will want no comment of mine to shew, that we all have a material interest in that privilege of peerage which we are now discussing. For, though every society and every individual has a right to petition, and in that petition in-close advice to, the throne, yet there is no common right of audience or free conference with the Sovereign. Our claim is to present a dead letter, but the living voice is in the peer alone; to whose birth is annexed an hereditary seat in the legislature, an elevated rank, with high and great privileges, that exalt him above the ordinary level.

From this eminence he approaches the throne with steps that border upon equality; and, if he exercises his right to give advice, (which is not more his right than *duty*) with sincerity and zeal, we cannot be insensible of our own participation in the advantage of it; for in every member of that illustrious body, every citizen may find a noble advocate to plead his cause in the presence of his sovereign.

Nor

Nor is it less the sovereign's interest to keep open the free access of men, whose situations carry authority and demand attention; from whom he may best learn the hopes or fears, the desires or apprehensions of his people.---If he has been falsely and injuriously represented, as the patron of violent and corrupt measures, or as an enemy to good ones, the independent peer will do his sovereign justice, and set his people right in their conceptions of his will.---Above all things, a right of audience and free intercourse with the crown is our best guard against *secret influence*, and that worst of all monopolies, a *monopoly of the sovereign's confidence*.

Our ancestors impeached such ministers as *would not suffer the great men of the realm to come near the king to advise him, nor the king to speak to them*. Now, it seems, this order of things is reversed; and it is deemed an *high crime and misdemeanor* for a peer to approach the king so as to advise him.

Having troubled you with many quotations from our own history, permit me to send an extract from the history of the Netherlands---By the antient and free constitution of the Netherlands, the nobles were as in England, *hereditary counsellors* of the state; but, Philip II. on the opening of his plan of despotism, ordered the governors not to admit those *hereditary counsellors* to deliberate on his measures; but confine herself to a cabinet, of which he appointed the members, and whom he afterwards employed, as the

the instruments of his tyranny. The earls of Egmont and Horne were, of all the nobles, the most distinguished by their high birth, eminent wisdom, and true patriotism. Egmont particularly had achieved the most brilliant victories for this cruel and ungrateful master, and was accounted throughout Europe one of the best generals, and most accomplished statesmen of his time. These great men asserted the privileges of their birthright, in advising the king to check the designs of that ambitious and dangerous minister, Cardinal Grandvelle. But Grandvelle, though he had not the audacity to arraign them in open senate, accused them privately to Philip, who got their heads struck off in their native city of Brussels.---Thanks to God, we have no such king as Philip II. ; and thanks to our king we have no such minister as Cardinal Grandvelle.

I am, &c.

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LETTER

L E T T E R VII.

S I R,

IN the pamphlet which hastened me to make politics the subject of our correspondence, the author says, " He is no friend to Aristocracy, in the sense at least in which that word is usually understood. And if the constitution must perish he would rather see it revolved into any other form than lost in that austere and insolent domination (a).

On that kind of aristocracy to which this writer may be a friend, we may bestow some future comment; but by the aristocracy which he deprecates, I presume, is meant the peerage: he admits, however, *there are no fears from that quarter*. I perfectly agree with him; although there is a sort of natural connexion between the two hereditary branches of the legislature, and although the crown has a certain fund of influence in the power of infinite creations.---Was it not the first Tarquin of Rome who made an hundred senators at once to secure a majority? for these new senators were (Livy tells us) *factio haud dubia regis, quippe sua vi in senatam venerant* (b). In England, we know that peers have been, and may again be, made to serve a temporary purpose; but still there is no danger to

(a) Thoughts on Causes of Discontents, p. 28.

(b) B. I. C. 35.

our constitution from that quarter ; for the crown having once created, cannot annul a peerage ; and every addition to the number will eventually tend to encrease the independency of the whole body.

The peers are moreover particularly interested in maintaining that equilibrium on which their own privileges and advantages all depend. For, whatever the other branches may gain, they are sure to be losers ; if the Crown grows arbitrary, they will be enslaved ; if the Commons assume the executive power, we know by experience the peerage will be set aside. The truth is, that the exclusive right of the House of Commons to grant supplies throws an over balance into that scale, and makes the peers, though superior in station, inferior in importance. And it is perhaps owing to a sense of that inferiority, that we find, in general, so little activity in that assembly, though in many of its members we see the brightest talents and the warmest zeal for public welfare.

In antient times, however, the barons resisted the crown, and to their resistance we owe the liberty we now enjoy. At the Revolution the peers were the first who opposed King James II. and the standard of resistance was first raised on that very bench of bishops, whose pliancy has raised many a wish for a removal from their seats in parliament.

In the disposition of the day to arraign, the order of peerage, you will not grudge a little time in recollecting a few instances wherein the conduct of the Lords has been contrasted to that of the Commons, as each have taken their part on the side of liberty or power.

In 1660, so devoted was the House of Commons to monarchy, and so transported with its restoration, that when Sir Matthew Hale moved to lay some restrictions on the power of the crown, he could not find one member to second him. And when we reflect on the temper and circumstance of that period, we cannot but wonder that a total surrender of all liberty was not then made. The prevention of it was owing to the virtue of Lord Clarendon---Charles partook too much of the general festivity and joy, to trouble his head with business; he left all to his minister, who took no advantage of the epidemic frenzy of the people in favour of the crown. His advice was, to repeal only such acts of the long parliament, as had altered the legal constitution of government, and deprived the king of his just rights; he repealed not those acts, which had abolished the Star-chamber, the High-commission Court, the Forest Laws, nor any other act that had taken away the exorbitant and useless powers of the crown. He revived all those statutes that were founded in good policy and beneficial to commerce, particularly the act of navigation. And, what was more meritorious in this great minister, he suppressed an intention in the House of Commons to have given the king a vast revenue

venue for life, such as would have made him independent of parliament and the people.---When the king came to his recollection, he felt this denial of his minister as an irreparable injury to himself, and made Lord Clarendon the object, first of his hatred, and then of his persecution.

On the earl's removal that cabinet was appointed, which we know by the name of the Cabal: the plan of this council was to render the House of Commons, by its *duration*, independent of the people; and by emoluments, and grants and pensions *dependent* on the crown.

This parliament had sat fifteen years, when a contest arose between the two houses on the case of Sir John Fag and Dr. Shirly.---The latter had appealed to the Lords against a judgment of the court of Exchequer, which the Commons voted a breach of privilege, the defendant being a member of parliament, and committed the appellant, with all his counsel and agents, prisoners to the Tower. At length they came to a resolution, that *no appeal from a court of equity was cognisable by the lords*.---The right of appeal from the courts of Westminster to the House of Lords is one of the most distinguished privileges of an Englishman; and in so irreproachable a manner has that judicature been conducted, that there are few instances, in which even the losing party has not been satisfied of its justice. But, to make the Chancery the final judicature in all causes of property, the chancellor holding his
office

office (as did all the judges before the Revolution) at the will of the crown, would eventually give the crown a dangerous and extensive power over the property of the subject. The House of Commons however in 1665 contended for investing the crown with that power, in violation of the rights they were intrusted to preserve. To the firmness of the lords in support of their own judicature, we owe the preservation of that right of appeal, which is so main a prop to the security and independence of all private property.

On this event an address was moved by the House of Lords for a dissolution of parliament: it was lost by two voices only, having been supported by those peers who were most eminent for their love of liberty and regard to the constitution. In the Parliamentary Debates you find the arguments used by the lords, their protest, and an appeal to the people; in all which that question is admirably discussed, how far long parliaments are consistent with the rights of representation? The lords insisted, that "*the essence of a House of Commons consisted in its being the immediate choice of the people;---that frequency of election could alone realize that choice which length of time annihilated---that the members of this long parliament were become rather a court faction than the representatives of the people, and had assumed all the properties of a STANDING senate.*"---But Charles II. (the worst, for so he was, of all the Stuart race) knew how to prize this House of Commons, for this very reason, because they were alienated from

from their constituents, and because he had tried with success the powers of influence over many of the members; and because he found that his influence was still increased by the fear of a dissolution, which was always in his power. In his speech from the throne 5 June 1675, he therefore declared his dislike of the behaviour of the lords, "*who (he said) had raised disputes with a malicious design to render the continuance of that parliament impracticable: and that he himself was very unwilling to part from such friends.* But the vices of Charles came in aid of the constitution; for his pleasures absorbed his means of corruption: as the king grew poor, the members of parliament grew virtuous. After a servility of fifteen years, they became as refractory as they had been obsequious; and having adopted the exclusion bill and other offensive propositions, they were at length dissolved in the seventeenth year of their existence.

Soon after the Revolution, the Tories came to have the chief sway in the House of Commons. King William indeed gave too much countenance to their principles, and too much support to their leaders, till (unhappily for himself) he put his government in their hands: they impeach all his whig ministers; but the chief mark of their envy and prosecution was that great and excellent person Lord Sommers. The king had already taken the great seal from him; but, not satisfied with his dismissal, they proceeded to impeach, and immediately after impeaching him, addressed the king to strike his name out of the
list

list of privy-counsellors. Here the Lords interposed; they presented a counter-address, in which they remonstrated against the barbarity of the House of Commons, in putting a man on his trial by their own institution, and then prejudging and pre-condemning him by a vote of censure during the process. The king gave no answer to either of the addresses, but, as he did *not* remove Lord Sommers from the council-board, he of consequence paid no regard to that address which was presented by the House of Commons. During these impeachments, the disputes between the two houses were carried on with great heat and asperity; but dignity, humanity, justice, and perseverance accompanied the Lords.

As the Lords took no part in the prosecution of the Kentish petition, I need not lengthen my narrative by a statement of the arbitrary and inhuman proceedings of the House of Commons on that memorable occurrence; till their violence made their dissolution the universal wish and prayer of the people. King William found the succeeding parliament better affected, both to his own person and to the principles of the Revolution.

The case of Ashby and White gave rise to the disputes between the two houses in 1705. The matter was this---One Matthew Ashby, a burges of Aylesbury, being *not* allowed to give his vote at the general election, brought his action against the returning officer, obtained a verdict, and recovered £. 5 damages; but on a motion for arrest

rest of judgment, three of the judges were of opinion, that an action did not lie in that case: Lord Chief Justice Holt, who tried the cause, alone supporting the verdict. Judgment, was therefore given against the elector Ashby; but the House of Lords reversed that judgment, established the verdict; and of consequence Ashby obtained his damages and costs of suit.

The law being thus decided, five other burgesses of Aylesbury brought their actions, against the same returning officer, who, it seems, had acted with great partiality.---The House of Commons then interfered; they determined, that the cognizance of all elective rights whatever, both of the elector and elected, belonged solely to their jurisdiction.---They resolved, that seeking redress at Common Law was a breach of privilege; and pursuant to this resolution they sent the five injured electors to Newgate. The imprisoned electors sued out their *habeas corpus*; but eleven of the judges were of opinion that they could not be set free, having been committed by an order of the House of Commons, they were remanded back to Newgate. Lord Chief Justice Holt again stood forth the glorious, though single advocate of liberty. Among other expressions, he said, *That it highly concerned the people of England not to be bound by a declaration of the House of Commons that was contrary to law.* The House of Commons however proceeded to imprison the counsel, attornies, agents, and friends of these electors, who had assisted in endeavouring to procure their liberty. They even run the length of petitioning the Queen not to grant a writ of error, in case it had been demanded against the judgment of the ele-

ven judges who refused to enforce the writ of Habeas Corpus. The Lords stemmed this torrent of lawless violence in the House of Commons. I refer you to the resolutions, remonstrances, and other publications of the Lords on that event; they were drawn by Lord Sommers, and contain the genuine principles of true Whiggism---They assert, that although the right of the *elected* is only cognizable in the House of Commons, yet the right of the *elector* being held by Common Law, must also be defended by Common Law---That the House of Commons, though competent alone to decide upon the seat of its members, can make no reparation to an elector who is injured in his franchise---That by law he must seek for reparation; otherwise there would be a right without a remedy, which is no right at all.--- Their Lordships further resolved, ‘*That every Englishman, who is imprisoned by any authority whatsoever, has an undoubted right, by his agents or friends, to apply for, and obtain a writ of Habeas Corpus, in order to procure his liberty by due course of law---That a writ of error is not a writ of grace, but of right, and the denial thereof is an obstruction of justice, contrary to Magna Charta---And that every freeman of England, who apprehends himself to be injured, has a right to seek redress by an action at Common Law, and the prosecuting such action is no breach of the privilege of Parliament.*’

I shall trouble you with no references subsequent to the accession of the house of Brunswick. ---What I have already stated is, merely in proof of

of the excellence of our constitution, by providing in each branch of the legislature checks and controls against the encroachments of the others, and to shew, how much we ought to be on our guard against all innovation whatever; particularly, that we may not be led by the popular pretence of suppressing an Aristocracy, and by the still more popular cry of exalting the Commons of England, be induced to form even a wish to lop off that branch from the legislative body, which has on many occasions been found the strongest defence of public liberty.

The subject of this letter will, I apprehend, throw me back so far as to state the conduct of that House of Commons, which defeated the arbitrary purposes of Charles I. in 1640.

I am, &c.

LETTER

L E T T E R VIII.

S I R,

IN my last letter I quoted instances, wherein the Lords resisted the arbitrary exertions of the House of Commons. This recital has cast me back on that æra, when the house of peers *submitted* to the House of Commons, and by that submission gave way to those innovations, which first overturned the state and crown, and afterwards brought on the subversion of their own order.

In 1640 the memorable act passed, by which parliament could not be dissolved or prorogued, but by act of parliament. The reasons for this statute were founded on the pressure of the time. Two armies were in the heart of the kingdom, clamorous for pay, and subsisted merely by the loans which were made on the credit of the House of Commons. The king was not only destitute of means to supply the exigencies of the State, but wanted money for the sustenance of his own family and household. The citizens, who had furnished the last, and could alone provide future loans, disavowed all confidence in the king and in his government, relying wholly on the faith of parliament; they therefore required, as security for their loans, that the duration of parliament should depend, not on the will of the king, but on parliament itself. On this plea the bill was introduced
and

and under the impulse of this necessity, the Lords agreed, and the King assented.

Thus having their own perpetuity established and having the natinal purse in their own hands; the House of Commons became masters of the State. And, could they have been satisfied with that degree of influence which the constitution has vested in the representatives of the people, the memory of that parliament would have been honored throughout all ages beyond the most meritorious acts of all who had gone before them, in defending and securing the rights and liberties of the subject.—They had resisted a professed tyrant; they had abolished shipmoney, the Star chamber and High-commission Court, together with every claim and attribute of despotism in the crown.

But having once assumed, they proceeded to exercise all the powers of an absolute government, infinitely more cruel, more oppressive, and more humiliating than that which they had so recently subverted. Their first intrusion on the executive power appeared in an address to the king *to remove Sir John Byron from the lieutenancy of the tower*, to which they desired the concurrence of the Lords. The Lords refused their consent; because (they said) *Sir John Byron was a man of un-exceptionable character; and no ground of objection had been laid against him*—But their Lordships added) *they were not competent to judge of the matter, the appointment of the lieutenancy of the tower being SOLELY in the King.*

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The Lords had already yielded too much to resist with efficacy the power of the Commons--- On the refusal to remove Sir John Byron at their command, they ordered General Skippon to surround and guard the Tower itself with forces in their own pay.---They proceeded to station the Hothams at Hull, and to take possession of all the forts and garrisons throughout the kingdom. Here the civil wars began.

With the military force under its command, and the national revenues at its disposal, Parliament entertained no fears from any efforts that seemed likely to result from the forlorn and destitute situation of the king. But, in the spontaneous efforts of the nobility and gentry, he found most wonderful resources. At first sight it appears un-accountable, why so many wise virtuous, great, and opulent men would fly to the standard of such a monarch as Charles I. in resistance to the Parliament of England; it was certainly no predilection to the cause of Charles I.; but a wretched necessity of seeking protection under his banner against the greater and worse tyranny of the House of Commons. Such a tyranny was never exercised nor submitted to upon earth.--- They began with appointing a court of Inquisition, to which every magistrate and every officer who had served the crown, either in civil or military capacity, was made responsible for his past conduct. Neither the degree nor nature of any crime was ascertained or specified; but in the general term of *Delinquency*, every man was comprehended, and subjected to severe punishment, whom

whom the judges under that commission pronounced *Delinquents*.

The Star-chamber, which could not be more arbitrary in its principle, was less oppressive in its judgments, and less terrible in apprehension, than this new tribunal erected by the House of Commons.---But the oppressions of this inquisition were absorbed in a subsequent ordinance (a) ; for committees were nominated by the Commons, and dispersed all over the kingdom, to suppress what they called *Malignancy*. They had full powers to sequester the estates, to fine, imprison, and chastize the persons of all whom they chose to declare *Malignants*. A sample of these committees having been brought on the stage (b), are become to us the subject of laughter and ridicule ; but, whilst they existed in strength and vigor, they spread universal horror and dismay ;--no age, sex, condition, nor innocence itself, could find protection against the malice, vengeance, and avarice of these inquisitors, but were all alike exposed to, and suffered confiscation of property, deprivation of liberty, and corporal punishments, in various but severe modes of infliction.---Private depredations could not, however satisfy, the personal wants of this House of Commons. They had raised greater taxes on their constituents than were ever known under a regal government, and assumed the appropriation as well as the levying of public money ; they were therefore careful to abolish the

(a) 1647.

(b) The Committee, or the faithful Irishman,

Exchequer and all establishments for bringing the sums voted by Parliament, and under their own management, to account. And we find in History, that they openly took £. 300,000 and shared it among their own members.---At the close of the year 1648, it was determined to bring Charles I. to a trial. Few of the peers then remained in attendance on parliament, but those few refused to imbrue their hands in the blood of their sovereign; the Commons therefore voted them useless, and erected their High-court of Justice. I don't trouble you with any comment on the right to try the king by this judicature; for there is no arguing constitutionally upon extra-constitutional cases; but when they proceeded afterwards to shed the blood of so many brave, virtuous, and noble persons as were sacrificed at the feet of this tribunal, without lawful judge, jury, or one circumstance of legal process, one cannot hesitate to pronounce, that the executions of their sentence, were all murders.---Still had this very House of Commons the assurance to call itself the *Representative of the People*; and under that appellation the members gratified their own mercenary designs, and conducted every act of their atrocious despotism, which had lasted 12 years, when Cromwell on the 20th of April 1653, came in person to the House of Commons, dissolved it, and put an end to the tyranny.---I need not bring to your recollection, that this very House of Commons, when assembled in 1640, was composed of the wisest, ablest, and best men that ever

ever graced the Parliament of England.—Their chief leaders were Mr. Pym and Mr. Hampden ; men as worthy of trust as ever sat in parliament, whose names inspire sentiments of respect and veneration. When therefore you consider what use was made of absolute power by a House of Commons so constituted, under the influence of such men as Pym and Hampden, it is unnecessary to infer the propriety of keeping that assembly from encroaching on the rights of the other branches of the legislature ; and from holding such tenure in their seats, as to dissolve their connexion with, and render them independent on, the people.

I am, &c.

H . LETTER

L E T T E R IX.

S I R,

HAVING recited the proceedings that followed after the death of King Charles I. I leave you to moot, whether it is a bull or a paradox to say, that *servitude to an House of Commons is perfect freedom*. And, having related what an usurping and domineering House of Commons *was*, let us now see what *is* the government of a *servile* one. This subject will lead us to compare the force of Prerogative on one hand, with the powers of Influence on the other. In a conversation on this point, I remember well, that you likened prerogative to an old elevated castle, situate on the confines of a land of liberty, on which the commanders made many an inroad and tried many an assault; but the spirit of liberty, the duties of resistance, and the necessity of self-defence had incited the inhabitants to repel the invaders, on whom examples had often been inflicted. But you compared a government of influence to some low fortress, intrenched in a rotten bog, irresistible and inaccessible, because defended as it was raised, by the united strength of executive and legislative power.

If

If abstract propositions or written laws were of permanent efficacy, the Bill of rights and the principals of the Revolution would have immortalized the constitution of Great Britain ; but at that very period, when the blighted ears of prerogative were trodden down, the seeds of influence were sown. For then was the system of raising supplies on public credit first promulgated ; then were funds appointed for the security of loans and payment of interest on the national debt. Hence are derived those innumerable sources of clandestine influence, which have overspread the kingdom, and created a patronage independent of the crown, and which, by accumulation in its progress, we see has grown above it.

In our discussions on the topic of influence we should keep as distinct and separate ideas, that secret influence which the funds have thrown into the hands of the minister, and that open, visible influence of the crown which has been co-eval with monarchy ; and which the constitution implanted with a jealous hand ; for constitutionally, the king is the fountain, and the only fountain of honors, and the sole disposer of offices, emoluments and national rewards. And, whilst un-impaired by participation, this influence was sufficient, not indeed to purchase majorities by the lump, but to obtain a certain acquiescence in such measures of government as were calculated for general welfare. It is true, that before the Revolution,

lution, kings were not wanting, who endeavoured to set their prerogative above law, and who would, if they could, have made parliament the instrument to accomplish their bad designs; but they were as constitutionally as successfully, resisted. Oppositions led by faction, and stimulated by envy and ambition, were then unknown. But the disposal of loans, lottery-tickets, subscriptions, contracts, with the appointments of revenue-officers, have given the minister a power that has enabled him to wrest from the crown itself its just, honorable, and undoubted patronage. For now-a-days the minister does not hesitate to assume, if not a right, yet the exercise of a right, to fill all offices in church and state, as he pleases; and even recommend to peerages whomsoever he thinks proper.

May we not go one step further, to see with concern, that the crown itself is, in a great degree, dependent on the treasury; for, with a revenue scarce adequate to the current expenditure with a blooming family that demands a yearly increase of income, the crown must necessarily acquire additional resources, which his majesty cannot bring before parliament, but through the medium, nor obtain but through the influence of his minister.

The Reform-bill, as proposed by the Whig ministry in 1782, would have sunk the crown to a low ebb indeed—but the want of pensions and

and employments for their own friends cut their plan short. They exerted, however, the king's assent to an act, which both detracted from the splendour of his court, and galled his personal feelings, by the discharge of old and faithful servants, many of whom lost their means when they were expelled the household.---But whilst these ministers were lopping off the branches of royal patronage, they took care to leave their own un-touched ; for nothing was pretended to be done in diminution of ministerial influence, except the Contractor's bill which is a mere nullity.

In the change of prerogative for influence it is remarkable, that avarice has supplanted ambition.---For to be graced by the favour of the sovereign, to be distinguished in the circles of a brilliant court, or to be honorably employed in the service of the state, were objects worthy the ambition of generous and noble natures ; but to get loans, contracts, and subscriptions is the pursuit of low, illiberal minds, who aim not at distinction, and feel no impulse but for gain. Of such an House of Commons the poet has truly said,

'Tis avarice all, ambition is no more. POPE.

Another effect of this corrupt system extends to the electors as well as the elected ; for what a number of our representatives does 'Change-alley furnish ; who compute what a septennial servitude

tude repay ; and then settle the price of their seats by the usu-fruct of their voices ! The electors on their part choose their members without personal acquaintance, or further enquiry into their character, than what relates to their fulfilling the corrupt bargain they have made with the borough.---This description of modern representation may appear too gross, but is, I fear, too true.

In discussing this unpleasant subject my memory always recurs to a passage of the Abbe Vertot's in his *Revolutions of Rome*---You are well acquainted with that author, and admire him---His studies aimed at bringing to our view the several maxims, habits, systems, and events that have occasioned the rise and fall of states in different ages and in different countries. He had no prejudices in favor of monarchical government. His reasonings are draw from facts, and his history affords most admirable lessons in that course of philosophy, which the citizens of free states ought to learn and their statesmen ought to practice. He says, that' (a).

(a) La tyrannie d'un prince ne met pas un'etat plus près de sa ruine, que l'indifference pour le bien public n'y met une republique. L'avantage d'un etat libre est, que les revenue y sont mieux administrés : mais, quand cela n'est pas, plus mal.---L'avantage d'un etat libre est, qui n'y a point des favoris : mais, quand cela n'est pas, & qu'au lieu des amis et des parens du prince, il faut faire la fortune de tous ceux qui ont part ou gouvernement, tout est perdu ; les loix sont eludées plus dangereusement qu'elles ne sont violées par un prince, qui, etant toujours le plus grand citoyen de l'etat, a le plus d'interet à sa conversation.

the government of an arbitrary prince does not reduce a state to that point of certain ruin, which falls upon a republic, when its affairs are conducted by men who have no regard to the public interest. One advantage in a republic consists in having its revenues better managed than in a monarchy; but if they are ill administered, the consequences are worse to a free than to a despotic state. It is also an advantage to free states, that there are no favorites; but, if instead of the friends and favorites of a prince, the revenues of the free state are applied in making the private fortunes of some who direct the government, and of others who support it, then is that free state undone: Actum est de republica. By such men the legislative power will be perverted, and the laws more dangerously eluded, than if they were openly violated by a sovereign prince, who being always the first citizen of a state, has the greatest interest in its preservation.---This ingenious writer might have had the present state of Great Britain in his eye. He might have seen her, after escaping all the storms of prerogative, sinking at last under the weight of those taxes, which the ministers of revenue have suggested, and parliament has imposed. The learned Abbe would have imputed our situation partly to the inattention but much more to the corruption of the ministers, who from the necessities of the publick drew the means of private influence and engaged the House of Commons to a compliance with all their measures.

I admit, that such an House of Commons threatens no danger to personal liberty, nor to freedom

dom of debate; nor to lay any restraint on the freedom of the press, nor any kind of licentiousness whatsoever. But personal liberty holds the second place only in a free state. Freedom in property is the primary consideration. Personal afflictions lie in a narrow compass; the sufferer knows their utmost extent; and fortitude will enable him, not only to bear, but to render himself superior to them. But the want of protection in property is more grievous and intolerable; it goes beyond the person to posterity. Yet, what security in property does an Englishman possess, who is liable to all the defalcations, embarrassments, and seizures that are consequential to unlimited taxation? Its sorrowful consequences are already too visible.---The highest ranks are sensibly affected; the middle ones are oppressed; and the lower ranks of people are impoverished and dejected. What was the difference between a stout English workman and a French peasant but this? that in the liberality of wages here, an Englishman could afford to drink his beer, and in the evening's social hour find the balm of his hard day's labour. His house of resort furnished a news-paper; conversations formed his comment; and thus John Bull became a patriot, and a zealot not without knowledge, for the liberty and welfare of his country; for you are too well acquainted with human nature not to know, that the difference between the polite world and the vulgar lies in the mode of expression, rather than in any disparity of natural sense and understanding.---But all superfluities must be abandoned, as

the

the necessaries of life grow dearer and dearer by taxation. The recreations of common life can no longer be enjoyed; but one sad course of labour without indulgence will soon change and soon chill the native spirit and vigor of our countrymen.

Such are the effects of servitude to an House of Commons.---Denmark was a free state, till the Danes threw themselves into the arms of despotism, for protection against the taxations of their senate. God forbid that such a remedy should be thought necessary, or if necessary, be tried in Great Britain. Her resources are still able to encounter, if not surmount, her difficulties. From what causes they arose, and how to prevent them hereafter, will be the subject of another letter, if I write again. All I proposed now, was to combat so strange a doctrine, as that *servitude to an House of Commons was perfect freedom*. That servitude would, however, have been yoked upon our necks, if the East India bill, which was moved by our late ministers, had passed into a law.---The greatness of external empire, the vast field of Commerce, the instant possession of enormous property, and the weight of patronage which the bill would have thrown into the minister's hands, must have eclipsed the crown, and rendered King, Lords, and People dependant on the minister. By dissolving parliament, his Majesty has applied that remedy which the constitution

stitution has prescribed, and experience has proved effectual. For no king was ever yet disappointed, that, to support his just rights, threw himself upon the affections of his people.

I am, &c.

March 27, 1784

LETTER

LETTER X.

21 April, 1784.

SIR,

IN my last letter we quoted this assertion from the writings of the Abbe Vertot, '*That a free state is nearer falling to ruin than a despotic one, if its revenues are in the hands of men, who apply them to private uses without regard to the general good of the republic.*' But this learned author does not describe, perhaps he did not comprehend, what must be the condition of a free state, if its legislature should appropriate the revenues of future ages to the occasions of the present time; that ruin, he might with truth have said, can never fall on a despotic state; because an absolute prince, on his own plea of necessity, may cancel debts which absorb his revenues, fetter all his powers, and render him unable to defend himself, his country and his people. But a free state has no such cure as the desperate and heavy hand of despotism; for public debts, in a country governed by law, are secured as well as raised by law, which a limited monarch cannot dispense with nor overturn.

It

It is a question which I should be glad to see answered by some great proficient in history, Whether the legislative powers of the free states of antiquity did ever burden their posterity with debts contracted for the service of the time present?---In modern history, England and Holland will appear the victims of this fatal policy. Holland sustained her long wars with Spain, chiefly by money borrowed upon funds; by the same means she supported herself against, first, the commonwealth of England, and afterwards against the united forces of Lewis XIV. and of Charles II.---When the prince of Orange was made Stadholder, the state of the Seven Provinces was become almost a wreck. His first melancholy task was, (if I may borrow an elegant expression from antiquity) *colligere naufragia reipublicæ*. But not all the inroads and devastations of Lewis XIV. nor all the long and bloody engagements with the fleets of England, left any consequences so injurious to that state as the public debt. On the accession of King William, that pernicious system was taken as an example, not to avoid but follow, in Great Britain: then were the funds instituted.---I am unwilling to believe that the servility, the dependence, and the corruptions of Parliament which flow from that source, were fore-seen at the time of the Revolution; but it was an object of that system to embark a monied interest on the same bottom with the new-established government. Debts and taxes soon became the causes of

of oppression and the ground of heavy complaints, though, compared with recent expences, they appear trivial; for, after all those great wars by sea and land, in the reigns of K. William and Q. Anne, from 1688 to 1711, the debt contracted was little more than 50 millions. But there was a practice then introduced, which was censured at the time, and under which Great Britain will groan for ages to come. I mean an increase of the national expences beyond the supplies voted by parliament. The Duke of Marlborough's exceeding's came to 5 millions, and were charged as navy debt, to which they chiefly belonged; but there were included some remittances that had been made to the armies in Spain. For those armies could only be supplied by ready money; of which there was none in the Exchequer; and in this dilemma the ministers resorted to the expedient of discounted navy-bills to supply the armies in Spain. These matters were brought to a strict enquiry in parliament. I refer you to an Address moved on the 31st of May 1711, and presented to the queen, which was afterwards printed and circulated thro' the kingdom (a). In examining into the motives that

(a) Extract from an Address of the House of Commons presented to Queen Anne 31st May, 1711.

" At the same time we have thought it our duty to enquire into the causes of the heavy debts we labour under, and to trace the source of that evil, as what, we thought would, in some degree, satisfy the minds of your people, and prevent the like mischiefs for the future.

" In

that guided the public men of that period, you will distinguish betwixt the mere effusions of party-rage, and the proper censures that were passed on the un-constitutional excesses of ministers. For, so clear was the integrity, and so perfect the accuracy of those great men (the Duke of Marlborough and Lord Godolphin) that of all the millions spent in those long and comprehensive wars, there was not a shilling unaccounted for. Never were public accounts so fully examined,

“ In examining into the state of the war, and looking back from the beginning of it, we find, that in several years the service has been enlarged, and the charge of it increased beyond the bounds prescribed, and the annual supplies granted by parliament. To this *new and illegal* practice we must, in a great measure, ascribe the rise and growth of the heavy debts that lie upon the nation; nor does the consequence of it end there: for we must also represent it to your Majesty as a DANGEROUS INVASION OF THE RIGHTS OF PARLIAMENT. The Commons must ever assert it as their sole and undoubted privilege to grant money; and to adjust and limit the proportions of it; and, when your Majesty has recommended to them to consider of supplies, and they have deliberated upon the several estimates for the annual services, and considered and determined, what the nation is able to bear, their proceedings would be very vain and ineffectual, if, after all the respective sums are stated, and granted, those through whose hands the disposition of them passes, are allowed in any measure to alter and enlarge them.

“ This is an attempt; which very little differs from levying money without consent of parliament, as will appear to your Majesty from this one consideration; that a charge of that kind once incurred, and laid as a debt on the navy, or any other public office, is so far binding upon parliament, that how little soever they approve of the means by which it was contracted, yet the public credit being pawned, the Commons cannot, without ruin of that, refuse to provide for it.”

or so fully proved. But still the *exceedings* beyond the grants of parliament were (as the Address asserts) *illegal*. Comparing them with modern times, you will think it almost ridiculous to have complained of those exceedings at all. They were comprized (as already mentioned) in a navy-debt, which in 22 years had risen to five millions (*a*). The exceedings during the American war, for the navy, army, and ordnance, besides the sums voted by parliament, amounted to FORTY-NINE MILLIONS. The unfounded debt in 1783 was £.36,851,757, which make a sum of 85 millions, expended, in these articles alone, by Lord North, on his own authority, without the knowledge or consent of parliament. It may excite some wonder, when you compare the passive silence of these days with the censures passed on the Duke of Marlborough; but your surprise will cease, when you reflect, that the Duke of Marlborough distributed no loans, no subscriptions, no contracts, among the national guardians who sat in Parliament.

(*a*) Before the year 1779, the exceedings in the navy, army, and ordnance amounted to 15 millions. For the year 1779 to 1782, the exceedings in the navy, army, and ordnance amounted to thirty-three millions, eight hundred fifty-one thousand, eight hundred pounds. The unfunded debt, in 1783, was £.36,851,756. If you add nine millions, which Lord North obtained by votes of credit, and extra-expences in other articles besides those of the ordnance, navy, and army, Lord North's expenditures without any estimates laid before parliament, were not much less than an hundred millions.

I myself

I myself pretend to no accuracy in stating public accounts; but by the 11th Report of the commissioners it appears, that the national debt, as there specified, was 238 millions; the interest on which is nine millions.---But there are subsequent accounts, which raise the debt to 252 millions; on which the interest to be annually paid is ten millions, in addition to all the charges of the peace establishment.---A man must have something sanguine in his disposition to form any hope of redemption from this stupendous burden. But, without talking the language of despondency, we may draw two certain conclusions;

First, a sinking fund must be established to reduce this debt.

2dly, Care must be taken to prevent the augmentation of it. For if this debt is swelled beyond its present magnitude; I must again resort to antiquity for an expression to describe the situation of Great Britain, *Deus, etiam si Deus voluit, servare rempublicam non potest.*

The commissioners of accounts, indeed, point out the necessity of uniting the ablest heads and the purest hearts that can be found in this country, to suggest some methods to reduce this enormous debt.---Dr. Price, whose genius and whose industry enable him to fathom the depths of our resources, proves the efficacy of a sinking fund, if applied inviolably,

inviolably, with all the profits of compound interest, to the redemption of public debts (a). But the application must be without interruption; and he asks, *how this can be secured, when experience has shewn, how little we can depend on the ministers of the crown, or on those representatives, who ought to be the faithful guardians of the people!*

In contemplating these subjects, my memory always reverts to what I have read of the opinions of great philosophers and of eminent statesmen, who have applied their studies to the relief of sinking states, and I think they all agree, that the best specific for a disordered government is to restore it to its first principles.

The question therefore is, What are the first principles of the English constitution in the instance of levying money upon the people? And, how have these principles been violated?

It is the birth right of an Englishman not to be taxed, but by representatives of his own immediate choice. If this right had been attended to, all supplies demanded by government would have been raised within the year: for the constitutional method of voting supplies was this---The service being announced from the throne, the House of Commons decided, whether it was more prudent and more for the interest of the public and their constituents, to sustain the ex-

(a) On Public Credit and the National Debt.

pence or to stop the service?---But this principle was violated, when the supplies ceased to be raised within the year, and to be thrown upon posterity: for, when five millions were the sum to be raised, and raised within the year, they who imposed, sustained the burden. The evil might be sufficient for the day, but it expired with it; whereas, if five millions are raised by mortgage, they who grant it, charge themselves with no more than the simple interest which is but £.250,000; whilst they charge both principal and interest of five millions upon their children and their children's children. *We give and grant* is the language of money-bills; but it was meant to express *the gift and grant* of their own property who made the offer, but not the property of posterity (a).

This violation of the principles of the constitution will appear in yet stronger colors when you consider, that the accumulation of the national debt has now brought the interest alone to ten millions, to be levied *every year within the year* on the inhabitants of Great Britain.--But what had we to do in choosing those men who impos-

(a) The security that an Englishman formerly had against an abuse of the power of taxation was this, That the Member of Parliament himself paid his proportionate share of every tax that he consented to impose; so that he could not injure the property of his electors without impairing his own. But this security has long been done away by the effects of influence. And since Parliament became so great a part of the trade of Exchange-alley, we see how the fortunes of subscribers to publick loans are aggrandized by the very act of impoverishing their constituents.

ed this exorbitant rent-charge upon us? *They* were the representatives, some of the last, some of the *present* century, but not one of them elected by those on whom the payment of these taxes falls.

It is an unpleasant theme to dwell upon--- But the deviation from the principles of the constitution in levying taxes on posterity, appears to me as a breach of the duty of a private man, of the citizen, and of the statesman. For the duty of a private man (the pater-familias) is to protect, not injure the inheritance of his children; the duty of the citizen is to sacrifice his personal and temporary interest to the permanent advantage and future welfare of his country; the difference betwixt a good and a bad statesman consists in this, that the one provides for the exigencies of the day, the other guards against events that may endanger public safety in times to come.

It is moreover a duty we owe our sovereign, not to obstruct his designs for the public good, and least of all, to embarrass him in the execution of his first and greatest charge, that of defending and protecting his people. But this wretched system of forestalling the national resources is, if possible, more injurious to the state of the king than of the subject; for, having the greatest interest in the preservation of the state, he is most injured in having the mains of defence taken out of his hands; and, under the weight
of

of our present debt, how is the crown to undertake any measures, even of national defence, without heaping oppressions on the oppressed, and without striking deeper at public credit, already wounded, perhaps beyond cure?

It is high time to recall your attention to the plan of relief, as pointed out by the operations of an effective SINKING FUND. But the learned author (*a*), who enforces that measure, has no reliance on ministers or on parliament for the completion of it. Where then is our hope? To me it seems, that our hope enters into the executive power alone; which can always bring back the constitution to its first principles in the levying and in the expenditure of public money. For as all requisitions for supply are made by the servants of the crown, the crown can direct them to be made, not according to the forms only, but according to the true principles of the British constitution. The crown may also restrain its ministers from incurring expences beyond the grants of parliament. And above all things, the king has it in his power to appropriate the revenues of the sinking fund, with all advantages and accumulations of simple and compound interest, to the reduction of the national debt. His majesty may adopt it, as his system of government, to keep that fund sacred, and never apply its produce to any other purpose, on any pretence whatever.

(*a*) Dr. Price.

Here

Here you might interrupt me by asking, Is the crown to flint its own service, to check the operations, and to defeat the measures of government? To which I answer, That no advantages resulting from war can compensate an excess in the expence; and that no plea of necessity can justify the expediture of public money in a manner that the constitution does not warrant.--What national good resulted from the victories of the Duke of Malborough? What legacy has the brilliant administration of Lord Chatham left, but a debt of threescore millions? Why do we celebrate the reign of Queen Elizabeth, and why do we bless her memory? Only, because she entertained no expensive projects of ambition, but in the midst of pressing difficulties, could refuse the supplies which her people offered.---The same policy, at the same æra, endeared Henry IV. to the French nation, and has made his name more famous than his exploits in war.

I need not repeat an old aphorism, 'that to redeem a country is above all conquest.'--That happy and glorious consummation is, I am sure, in the heart, and, I think, in the power of our Sovereign. Great and important the object is, but it lies in a narrow compass: for, if the idea of *taxing posterity* is abandoned; if ministers are with-held from exceeding the annual grants of parliament; and if the sinking fund is invariably applied to the reduction of the national debt, in a very few years we shall have a fair and open

open prospect of the safety, strength, and prosperity of Great Britain.

To lay the foundation, and to make some progress towards the completion of these great ends, a wise, virtuous, and independent Sovereign is fully competent.—That our gracious King may, under Heaven, be the good instrument to procure ease, security, and happiness to his people, is the fervant prayer of

His faithful Subject,

and your Friend.

P. S.

So many reflections occur on the practice of throwing taxes on posterity, that I must trouble you with a further comment on this subject. How short sighted does the policy now appear, when, to save the trouble of raising three or four millions *within the year*, at the beginning of King William's reign, we and those who come after us, are doomed to raise *every year* ABOVE TEN MILLIONS *within the year*, to pay the interest of debts, contracted since the revolution.

—Is

---Is it not strange, that the ministers of an enlightened nation, at an enlightened period, should persevere in a system that inverts the order of things, counteracts every rule of good government, and is repugnant to every principle of that love and duty which a citizen owes his country?

In my next letter I will endeavor, with some degree of precision, to agitate this question, Whether any free state can long support its rank among nations, or be long exempt from total ruin, where the plan is, *To provide for the exigencies of the present time, by cutting off those resources which can alone maintain the state in strength and vigor, and on which it must depend for safety and defence, in times of danger, and for ages to come?*

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